

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN THE MATTER OF:
Robbin A. Randolph

Debtor(s)

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No. B-10-81566 C-13D

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

On January 27, 2011, a hearing was held on the Motion by Select Portfolio Servicing, Inc. ("Movant") pursuant to 11 U.S.C. §362 to modify the automatic stay entered in this case to permit the Movant to foreclose upon its lien on the Debtor's property known as 1209 Vickers Ave., Durham, NC ("the real property"). At the hearing, Koury L. Hicks, Esq. appeared on behalf of the Debtor, and Benjamin E. Lovell, Esq. appeared on behalf of the Standing Trustee and stated to the Court he had been informed by counsel that all matters in controversy had been settled. The Court, after considering the Motion and having heard and considered the statements of the attorney for the Trustee, finds that the interests of the Movant are not adequately protected and that the Motion should be granted; therefore, by and with the consent of the parties, it is ORDERED:

1. The Motion of the Movant for relief from the automatic stay, pursuant to 11 U.S.C. §362, is granted.
2. The automatic stay is modified to permit the Movant to foreclose upon the real property.
3. Any surplus equity above and beyond valid liens derived from the sale of the real property shall be paid to the Standing Trustee for application to the Debtor's plan.
4. The Movant shall have 180 days from the entry of this Order within which to file a documented deficiency claim for any deficiency realized from the sale of the real property and failure to file the documented deficiency claim within said time will result in the release of the real property being in full satisfaction of the indebtedness due the Movant and the Debtor's liability.
5. The stay of this Order under Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is not applicable.

PARTIES IN INTEREST

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